

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE AUGUST 19, 2014 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, August 19, 2014 at 6:00 P.M. at Warwick City Hall, in the Warwick City Council Chambers, 3275 Post Road, Warwick, Rhode Island. Donald Morash, Chairman, called the meeting to order.

The Secretary called the roll and noted the following members present:

Donald Morash, Chairman
Richard Corley, Vice Chairman
Everett O'Donnell
Attilio Iacobucci
Beverly Sturdahl

Alternate: Paul Wyrostek

Absent: Julie Finn

Also present: Diana Pearson, Esq., Assistant City Solicitor
Richard Crenca, Warwick Planning Department
Carol Chevalier, Secretary
Mary Ellen Hall, Stenographer

The Chairman declared a quorum. The Chairman asked if there were any petitions to be withdrawn or continued. The Chairman called the first petition

Petition #10154

Ward 9

295 Beachwood Drive

The petition of Joseph & Cynthia DeCarolis, 295 Beachwood Drive, Warwick, RI, for a request for a dimensional variance to construct a 14' x 24.3' two story addition on existing detached garage, existing garage and proposed addition having less than required rear yard setback, proposed garage having less than required side yard setback, westerly side of Beachwood Drive (295), Warwick, RI, Assessor's Plat 203, lot 214, zoned Residential A-10.

Joseph DeCarolus, petitioner, was also present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

The petitioner described his plan to the Board. The petitioner stated that the addition would be for storage of vehicles and tools. He agreed with the stipulations presented.

There was no one in favor or opposition to the petition.

Mr. Corley stated that there would be no heat or plumbing in the garage. The petitioner stated that it would not be used as an apartment. The petitioner agreed to the stipulations presented. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with stipulations.

The Chairman, Donald Morash recused from voting on the following petition. Paul Wyrostek was the fifth voting member on the petition. Mr. Corley was Acting Chairman.

Petition #10159

Ward 3

100 Kilvert Street

The petition of 21 Division Street, LLC, & Med-Tech Ambulance Service, 290 Armistice Blvd., Pawtucket, RI for a request for a dimensional variance to occupy existing building as an office and ambulance dispatch facility, subject property having less than required landscape buffer, parking area buffer, less than required off street parking, less than required setbacks for parking, parking spaces not of minimum size, corner of Kilvert Street (100) and Coronado Road, Warwick, RI, Assessor's Plat 323, lot 520, zoned Intermodal.

John Revens, Esq., representing the petitioner, was present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

Mr. Corley stated that it is difficult to plant in certain spots on the subject property this comment was made based on the recommendations from the Planning Department.

Mr. Revens stated that if done by a professional it should not be difficult. He described the current site conditions to the Board and the relief requested. He explained the operation of the petitioner's business.

Mr. Wyrostek pointed out that the property is fenced and the landscaping would be outside the fenced area.

Mr. Wyrostek made a motion to approve the petition with the stipulations of the Planning Department and stated that #5 should read substantial compliance any changes must receive prior

approval from the Building Department. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10155

Ward 4

246 Bellman Avenue

The petition of Manuel Santo, 20 Delaine Street, Warwick, RI, for a request for a dimensional variance to construct an 8' x 12.67' foot two story addition, enclose existing covered porch, construct a second story addition over entire structure, construct two first floor decks and two second floor decks, existing dwelling and proposed addition having less than required front yard and corner side yard setbacks, proposed decks having less than required front yard and corner side yard setbacks, subject property being an undersized non-conforming lot, northeasterly corner of Bellman Avenue (246) and Winter Avenue, Warwick, RI, Assessor's plat 333, Lot 338, zoned Residential A-10.

Manuel Santo & Diana Santo, 20 Delaine Street, petitioners, were present.

The petitioner described his plan to the Board. The proposal is to construct a second floor addition and new first floor decks and second floor decks. They will be removing and replacing their existing second floor.

Daniel Hart, 247 Bellman Avenue, Warwick, was present in favor.

He stated that he supports the petitioners. It is a great improvement to the subject property.

Mr. Corley stated that is it a good improvement to the improvement to the neighborhood and an incentive to increase the appearance of the neighborhood and would add to the value of the surrounding properties. With that statement he made a motion to approve the petition. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that the petition be GRANTED.

Petition #10156

Ward 6

1000 Sandy Lane

The petition of Bowen Investments, Inc., 83 Dexter Street, Milton, MA and William Dreier, 237 Wayland Avenue, Milton, MA for a request for a dimensional variance to occupy existing building as a fast food restaurant with less than required off street parking, existing building and parking area legal non-conforming, subject property being an undersized non-conforming lot, southerly side of Sandy Lane (1000), Warwick, RI, Assessor's Plat 349, Lot 204, zoned General Business.

Sanford Resnick, Esq., representing the petitioner was present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

William Dreier, 83 Dexter Street, Milton MA, petitioner, was also present.

The attorney stated that he agrees with all of the stipulations presented by the Planning Department. The attorney described the history of the property to the Board. He stated that his client would be occupying the building as a sandwich shop.

The Board discussed the parking layout with the petitioner and his attorney.

The petitioner described the operation of his business with the Board.

The petitioner discussed the proposed dumpster location with the Richard Crenca and the Board.

The attorney stated that the dumpster would be located in the northeasterly corner of the property and would be screened.

There were two objector's present.

James Whittaker, 429 Cedar Avenue, East Greenwich, was present in objection.

He stated that he is the president of the condominium association on the abutting lot. He owns the Subway Sandwich Shop next door. There are other restaurants directly abutting the property. Their concern is traffic. They are concerned with the entrances and exits being blocked from back up for the drive thru for the proposed restaurant. They have a shared entrance and exit and the businesses are high traffic.

Mr. Wyrostek stated that the building and past businesses have been an approved use for eighteen (18) years.

George Xiarhos, owner of the New York System on abutting property was present.

He stated that he has the same concerns traffic and safety of the customers.

Mr. Corley stated that he went to the site he feels that 6 or 7 cars could be waiting on the subject property before there is a back up onto the abutting lot. It is a unique design. To deny the use would be denying the petitioner all beneficial use of the subject property. The petitioner agreed to all of the stipulations of the Planning Department. The petitioner agreed to the dumpster location. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that this petition be GRANTED with stipulations.

Petition #10157

Ward 8

205 Lambert Lind Highway

The petition of Warwick Mall, LLC, 400 Bald Hill Road, Warwick, RI, for a request for a dimensional variance to demolish existing 3,500 square foot building and construct a new 6,057

square foot building to be occupied for retail sales, proposed building having less than required side yard setback, less than required parking, less than required landscape border and less than required rear yard setback for dumpster, westerly side of Lambert Lind Highway (205), Warwick, RI, Assessor's Plat 386, Lot 8, zoned General Business.

Daniel Flaherty, Esq., representing the petitioner was present.

Aram Garabedian, Managing Co-Partner of the Warwick Mall was also present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

The attorney stated that the proposal is to demolish the existing building on the property and construct a new 6,057 square foot building to be occupied as Jared Jewelers. He described the proposed plan to the Board and the existing and proposed site conditions. He explained to the Board the relief sought. He stated that the petitioner has the ability to utilize the parking for the existing all operation due to existing cross easements and shared parking.

Roy Smith, RJ O'Connell, 80 Montvale Avenue, was accepted as an expert witness in engineering (Motion was made by Everett O'Donnell, seconded by Richard Corley and passed unanimously by the Board).

He described the plan to the Board. He addressed concerns and questions of the Board regarding the parking, access and requested relief.

Mr. Flaherty presented a traffic report to the Board that was marked as Petitioner's Exhibit #1

Robert DeGregorio, was accepted as an expert witness in the field of real estate (Motion was made by Richard Corley, seconded by Everett O'Donnell and passed unanimously by the Board)

Mr. DeGregorio's resume was presented as Petitioner's Exhibit #2.

He described the findings in his report to the Board.

Mr. Corley stated that he makes a motion to grant the petition. It is a bonus to the City. It is a plus the economy of the City. All of the issues were addressed with Planning. They are all adequately covered. That he agreed with substantial compliance and all changes to be approved by the Building Official. To include all of the other stipulations presented by the Planning Department. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that the petitioner be GRANTED with stipulations.

Petition #10158

Ward 7

3327 & 3335 Post Road

The petition of Cumberland Farms, Inc., 100 Crossing Blvd, Framingham, MA & Gray Enterprises, LLC, 270 County Road, Barrington, RI for a request for a special use permit and

dimensional variance to demolish existing buildings located on subject properties and construct a new building 4,513 square foot building to be occupied as a convenience, to construct a 40' x 83' canopy and six fuel dispensers totaling 12 fueling positions, with less than required parking, landscaping/landscape buffer, proposed building having less than required side yard and front/corner yard side yard setbacks, proposed sign having less than required front/corner side yard setbacks, southwesterly corner of Post Road (3327 & 3335 Post Road) and Centerville Road, Warwick, RI, Assessor's Plat 244, Lots 97 & 99, zoned General Business/Historic.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

Mr. Crenca stated that the Board should not allow substantial compliance that they should leave the stipulation with strict compliance. There are many detailed parts of this project. The petitioner has been approved by HDC and the Planning Board.

James Hall, Adler Pollock and Sheehan, representing the petitioner was present.

He stated they have no problem with the stipulations and the strict compliance stipulation is fine. He described the plan to the Board and the relief requested.

Mr. Crenca described the proposed changes to the Apponaug Circular and the need for it to the Board.

Mr. Corley stated that the proposal is in line with proposed improvements. The demolition of the older building and the construction of a state of the art facility would significantly improve the existing property. They are trying to retrofit the subject property and the existing building has no historical value. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that this petition be GRANTED with stipulations.

Petition #10147

Ward 6

243 Promenade Avenue

The petition of Judith & David Clark, 243 Promenade Avenue, Warwick RI, for a request for a dimensional variance to construct a breezeway and garage addition and an addition to the existing dwelling, garage and breezeway having less than required front/corner side yard setback (Cooper Avenue) and addition to dwelling having less than required front yard setback (Promenade Ave.), Warwick, RI, Assessor's Plat 373, Lots 184 & 185, zoned Residential A-15.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

William Harsch, Esq., representing the petitioner, was present.

James Blink, 73 Purgatory Road, Exeter, was accepted as an expert witness in architecture (Motion was made by Everett O'Donnell, seconded by Attilio Iacobucci and passed unanimously by the Board)

Mr. Blinbk described the proposed plan to the Board. He explained the design and layout of the additions. He described the unique characteristics of the subject property and the proposed addition and style. He explained the architectural features of the dwelling.

Mr. Corley stated that a lot of the dwellings in the area were once summer homes and are now full time residences.

The attorney stated that the petitioner is very limited on storage space and there is no basement in the house.

Mr. Corley had concerns over the driveway and the material being used.

There was discussion between the Board, the architect, the attorney and the Planning Department over the plan and design.

Judith Clark, petitioner, was present.

She explained to the Board the need for the addition and the overall plan for her property. She described the site lines to the Board for the abutting property owners and stated that she has tried very hard not to impose on any of the neighbor's views. She stated she bought the house behind her and demolished the dwelling to enlarge her property for the overall plan for the subject property. She chose the location for the addition due to the layout of the dwelling. She would like to create a courtyard affect for the backyard. She described to the Board the status of the surrounding properties.

Joe Chabot, contractor, was present.

He stated that he has been working for the petitioner for the past couple of years and has prepared the drawings. He stated that the back of the house has not been worked on.

Harry Miller, Alpha Assoc., surveyor, was accepted as an expert witness (Motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board)

The Board presented questions to the surveyor. There was discussion regarding the size and location of the addition.

There were numerous neighbors present at the public hearing.

Mark McKinney, Buttonwoods residence, was present.

Ron Marsella, 100 Amore Road, was present in opposition.

He stated that he was the former president of the Association and is the Chairman of the Fire Deistrict. He presented a letter to the Board from the Buttonwood's Beach Association (Objector's Exhibit #1)

He explained his opposition to the Board at length. The environmental issues, historic issues and impacts on the area. He presented two existing to the Board Objector's Exhibit #2 - National Register Map and Objector's #3 - National Register Report.

Mr. Harsch stated that the historic significance is federal not local.

Edward Pimentel, was accepted as an expert witness in Planning and Land Use (Motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board)

He described his report to the Board and his findings. He presented a map to the Board marked as Objector's Exhibit #4.

Ron Phipps, 84 Janice Road, was present in objection.

He presented a letter from BJ Porter Objector's Exhibit #5 and Photo's Objector's Exhibit #6. He explained his objections to the Board and stated that he has lived in the area for 30 years. He spoke to the Board regarding the history of the area and the changes that have occurred over the years. He is the agent selling the property abutting the Clark's property.

There was discussion between the Board, Mr. Phipps and the attorney for the petitioner.

The Board recessed for a short break.

After the recess the attorney for the petitioner, Mr. Harsch, requested that the petition be **WITHDRAWN WITHOUT PREJUDICE**.

A motion was made by Everett O'Donnell, seconded by Attilio Iacobucci and passed by a four (4) to one (1) vote, Richard Corley voted to deny, that the petition be **WITHDRAWN WITHOUT PREJUDICE**.

The Chairman adjourned the hearing at 10:15 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman